

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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HOUSE BILL 386

Short Title: Increase Permissible Interstate Speed Limit. (Public)

Sponsors: Representatives Lowery and Biggs (Primary Sponsors).

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Transportation, if favorable, Judiciary 2, if favorable, Rules, Calendar, and Operations of the House

March 16, 2023

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE MAXIMUM PERMISSIBLE SPEED LIMIT ON INTERSTATE HIGHWAYS AND TO MAKE VARIOUS CONFORMING CHANGES IN LIGHT OF THAT INCREASE.

The General Assembly of North Carolina enacts:

**PART I. INCREASE MAXIMUM PERMISSIBLE SPEED LIMIT ON INTERSTATE HIGHWAYS**

**SECTION 1.** G.S. 20-141(d) reads as rewritten:

"(d) ...

(2) Whenever the Department of Transportation determines on the basis of an engineering and traffic investigation that a higher maximum speed than those set forth in subsection (b) is reasonable and safe under the conditions found to exist upon any part of a highway designated as part of the Interstate Highway System or any part of a controlled-access highway (either inside or outside the corporate limits of a municipality) the Department of Transportation shall determine and declare a reasonable and safe speed limit. A speed limit set pursuant to this subsection may not exceed ~~70~~75 miles per hour.

Speed limits set pursuant to this subsection are not effective until appropriate signs giving notice thereof are erected upon the parts of the highway affected."

**PART II. CONFORMING CHANGES**

**SECTION 2.(a)** G.S. 20-141(j1) reads as rewritten:

"(j1) A person who drives a vehicle on a highway at a speed that ~~is either~~ is (i) more than 15 miles per hour more than the speed limit established by law for the highway where the offense occurred or occurred, (ii) over 80 miles per hour where the maximum speed is up to 70 miles per hour, or (iii) over 85 miles per hour where the maximum speed is 75 miles per hour is guilty of a Class 3 misdemeanor."

**SECTION 2.(b)** G.S. 20-16 reads as rewritten:

"§ 20-16. Authority of Division to suspend license.

(a) The Division shall have authority to suspend the license of any operator with or without a preliminary hearing upon a showing by its records or other satisfactory evidence that the licensee:

...



\* H 3 8 6 - V - 1 \*

1 (10a) Has been convicted of operating a motor vehicle at a speed in excess of 80  
2 miles per hour on a public highway where the maximum speed is 70 miles per  
3 hour; ~~or~~

4 (10b) Has been convicted of operating a motor vehicle at a speed in excess of 85  
5 miles per hour on a public highway where the maximum speed is 75 miles per  
6 hour; or

7 ...

8 (c) The Division shall maintain a record of convictions of every person licensed or  
9 required to be licensed under the provisions of this Article as an operator and shall enter therein  
10 records of all convictions of such persons for any violation of the motor vehicle laws of this State  
11 and shall assign to the record of such person, as of the date of commission of the offense, a  
12 number of points for every such conviction in accordance with the following schedule of  
13 convictions and points, except that points shall not be assessed for convictions resulting in  
14 suspensions or revocations under other provisions of laws: Further, any points heretofore charged  
15 for violation of the motor vehicle inspection laws shall not be considered by the Division of  
16 Motor Vehicles as a basis for suspension or revocation of driver's license:

17 ...

18 In the discretion of the Division, a period of probation not to exceed one year may be  
19 substituted for suspension or for any unexpired period of suspension under subsections (a)(1)  
20 through ~~(a)(10a)~~ (a)(10b) of this section. Any violation of probation during the probation period  
21 shall result in a suspension for the unexpired remainder of the suspension period. Any  
22 accumulation of three or more points under this subsection during a period of probation shall  
23 constitute a violation of the condition of probation.

24 (d) Upon suspending the license of any person as authorized in this section, the Division  
25 shall immediately notify the licensee in writing and upon his request shall afford him an  
26 opportunity for a hearing, not to exceed 60 days after receipt of the request, unless a preliminary  
27 hearing was held before his license was suspended. Upon such hearing the duly authorized agents  
28 of the Division may administer oaths and may issue subpoenas for the attendance of witnesses  
29 and the production of relevant books and papers and may require a reexamination of the licensee.  
30 Upon such hearing the Division shall either rescind its order of suspension, or good cause  
31 appearing therefor, may extend the suspension of such license. Provided further upon such  
32 hearing, preliminary or otherwise, involving subsections (a)(1) through ~~(a)(10a)~~ (a)(10b) of this  
33 section, the Division may for good cause appearing in its discretion substitute a period of  
34 probation not to exceed one year for the suspension or for any unexpired period of suspension.  
35 Probation shall mean any written agreement between the suspended driver and a duly authorized  
36 representative of the Division and such period of probation shall not exceed one year, and any  
37 violation of the probation agreement during the probation period shall result in a suspension for  
38 the unexpired remainder of the suspension period. The authorized agents of the Division shall  
39 have the same powers in connection with a preliminary hearing prior to suspension as this  
40 subsection provided in connection with hearings held after suspension. These agents shall also  
41 have the authority to take possession of a surrendered license on behalf of the Division if the  
42 suspension is upheld and the licensee requests that the suspension begin immediately.

43 ...

44 (e1) Notwithstanding any other provision of this Chapter, if the Division suspends the  
45 license of an operator pursuant to subdivisions (a)(9), (a)(10), ~~or (a)(10a)~~ (a)(10a), or (a)(10b)  
46 of this section, upon the first suspension only, a district court judge may allow the licensee a limited  
47 driving privilege or license for a period not to exceed 12 months, provided he has not been  
48 convicted of any other motor vehicle moving violation within the previous 12 months. The  
49 limited driving privilege shall be issued in the same manner and under the terms and conditions  
50 prescribed in G.S. 20-16.1(b)(1), (2), (3), (4), and (5).

51 ...."

1           **SECTION 2.(c)** G.S. 20-16.1(a) reads as rewritten:

2           "(a) Notwithstanding any other provisions of this Article, the Division shall suspend for a  
3 period of 30 days the license of any driver without preliminary hearing on receiving a record of  
4 the driver's conviction of either (i) exceeding by more than 15 miles per hour the speed limit,  
5 either within or outside the corporate limits of a municipality, if the person was also driving at a  
6 speed in excess of 55 miles per hour at the time of the offense, ~~or~~ (ii) driving at a speed in excess  
7 of 80 miles per hour where the maximum speed is up to 70 miles per hour at the time of the  
8 ~~offense~~.offense, or (iii) driving at a speed in excess of 85 or greater miles per hour where the  
9 maximum speed is 75 miles per hour at the time of the offense."

10           **SECTION 2.(d)** This section becomes effective December 1, 2023, and applies to  
11 offenses committed on or after that date.

12  
13 **PART III. SAVINGS CLAUSE**

14           **SECTION 3.** Prosecutions for offenses committed before the effective date of this  
15 act are not abated or affected by this act, and the statutes that would be applicable but for this act  
16 remain applicable to those prosecutions.

17  
18 **PART IV. EFFECTIVE CLAUSE**

19           **SECTION 4.** Except as otherwise provided, this act is effective when it becomes  
20 law.